

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 18-CR-0018

DAVID L. SHANKS, JR.,

Defendant.

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**ORDER OVERRULING OBJECTIONS AND ADOPTING  
REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE**

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Defendant David L. Shanks, Jr. is charged with a Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances, along with six separate counts of Distributing Controlled Substances. One of the deliveries is alleged to have resulted in the death of another, and two of the deliveries resulted in serious bodily injury. The trial is currently scheduled for September 10, 2018.

Shanks filed several pretrial motions, including 1) a motion for release of *Brady* materials; 2) a motion for disclosure and request for *in camera* inspection of mental health records; 3) a motion for a bill of particulars; 4) a motion for discovery; 5) a motion to sever counts; 6) a motion to dismiss Count 1 on vagueness grounds; and 7) a motion to dismiss Counts 1, 3, 4, and 5, likewise on vagueness grounds. As is the practice in this district, the motions were referred to the assigned magistrate judge, in this case the Honorable Nancy Joseph, who filed an Order and Report and Recommendation concerning each of the motions.

Magistrate Judge Joseph deemed the motion for release of *Brady* materials as moot and unnecessary, given the government's acknowledgement of its obligation and its open file policy in

the district, but granted the motion to compel cell phone extraction of the confidential informant's cooperating witnesses. Neither party has objected to either ruling. With respect to the remaining motions, Magistrate Judge Joseph denied the motion for *in camera* inspection of mental health records, the motion for a bill of particulars, and the motion to sever counts. In her thorough opinion, Magistrate Judge Joseph also recommended that the court deny Shanks' motion to dismiss Counts 1, 3, 4, and 5 on vagueness grounds.

Shanks filed timely objections to the Magistrate Judge's Order and Report and Recommendation, the Government filed a response, and Shanks has now replied. Because the issues are fully addressed by Magistrate Judge Joseph, I decline to add to the writing in the case. I simply adopt the well-reasoned and thorough decision of the magistrate judge and overrule Shanks' objections. Having adopted the decision of the magistrate judge, the orders denying Shanks' motion for an *in camera* inspection, for a bill of particulars, and to sever are affirmed. The motions to dismiss Counts 1, 3, 4, and 5 are denied.

**SO ORDERED** this 21st day of August, 2018.

s/ William C. Griesbach  
William C. Griesbach, Chief Judge  
United States District Court